

REMARKS

This Response is filed concurrently with a Request for Continued Examination responsive to an Advisory Action dated May 19, 2005.

Initially, Applicant reasserts the arguments made in the previous responsive communications concerning the patentability of Applicant's claims over the combination of references asserted by the Examiner. For purposes of brevity, these arguments will not be reiterated hereinbelow, but are supplemented by the following additional remarks that specifically address the Examiner's comments presented in the Advisory Action.

In the Advisory Action, the Examiner contends that the thrust of Applicant's arguments rely on the claim language suggesting that the guide handle is connected to the proximal end of the outer guide of the catheter. The Examiner states that the Applicant merely argues that since Dubrul describes a splittable sheath that is removable, it cannot be connected to the guide handle. The Examiner further states that Applicant failed to successfully rebut the design choice argument asserted by the Examiner in the final Office Action, wherein the Examiner asserted that one of ordinary skill would have connected the handle to the outer guide as an equivalent alternative.

Although Applicant did argue the lack of teaching or suggestion in the asserted combination concerning connectedness of the guide handle and proximal end of the outer guide of the catheter, Applicant presented several other compelling arguments that demonstrate that *prima facie* obviousness of Applicant's independent and dependent claims has not been properly established. A review of Applicant's first and final Office Action Responses reveals such other lines of argumentation.

In addressing specific issues raised in the Advisory Action, the Examiner indicates that Applicant can successfully overcome the Examiner's "obvious design choice" rejection of the independent claims if one of three requirements are met. These three requirements are recited on page two (continuation of 11) of the Advisory Action.

First, Applicant believes it has sufficiently argued in previous responses that the Norlander arrangement is substantially different than Applicant's arrangement. The following arguments demonstrate several substantial differences between the Norlander arrangement and Applicant's claimed arrangement.

In previous responses, Applicant has argued that the Norlander arrangement does not have a steering member or apparatus disposed along its outer introducer sheath 11, as is recited in Applicant's claims. Rather, the Norlander arrangement requires an additional steerage member that is clearly not disposed along the outer introducer sheath 11. Norlander teaches that such additional steerage member, such as a dilator 27, obturator, or deflecting tip device 74, is needed for assisting with introduction and placement of the introducer sheaths 11, 12 (see, e.g., column 7, line 36 through column 8, line 43 and column 9, lines 1-40). Norlander concedes that this additional steerage member is needed, otherwise "increased precisions would be required to advance the distal tip 16 of the outer introducer sheath 11 into the ostium 38 opening." Column 7, line 65 through column 8, line 1.

An important difference between the Norlander arrangement and Applicant's claimed arrangement is that Norlander's steering member is not connected to a guide handle, as is the case in Applicant's claimed arrangement. As the Examiner

acknowledges in the Advisory Action, Applicant has previously argued that, like Norlander, Dubrul's arrangement also does not include an outer guide that is connected to a guide handle and clearly does not include a steering member that is connected to a guide handle.

Applicant's claims recite a guide catheter comprising a steering member disposed along the outer guide. Moreover, application of a tensile force to the proximal end of the steerable/deflectable device 74 of the Norlander device would cause deflection of the distal end of the steerable/deflectable device 74, not the outer introducer sheath 11.

Another significant difference between the Norlander arrangement and Applicant's claimed arrangement is that the Norlander arrangement requires three telescoping tube structures, at a minimum, to provide co-extendibility and steerability of the introducer sheath 12. Norlander describes its steerable/deflectable device 74 (shown in Figure 14) as a catheter type device over which inner and outer introducer sheaths 12, 11 can be advanced (i.e., three telescoping tube structures). The steerable/deflectable device 74 includes a deflection control means 75 contained within the steerable/deflectable device 74, and is clearly not disposed along the outer introducer sheath 11. It is understood that Applicant's claims are not limited to a dual tube structure (e.g., may have more than two such structures).

The above arguments that distinguish the Norlander device from Applicant's claimed arrangement from a structural perspective also highlight significant differences between these arrangement in terms of function and the way they achieve such function. For example, Norlander requires a triple tube structure, at a minimum, and an external

steering member to provide extendibility and steering functionality. In contrast, Applicant's claimed arrangement recites two telescoping structures and a steering member disposed on the outer of the two telescoping structures to implement extendibility and steering functionality.

Hence, the Norlander arrangement would require the physician to manipulate these three tube structures and separate steering member during use, which would likely lead one skilled in the art to conclude that the Norlander arrangement would not perform equally as well as Applicant's claimed arrangement.

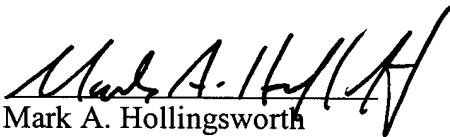
Applicant respectfully asserts that the Examiner's "obvious design choice" rejection has been successfully rebutted by the arguments presented in previous responses and as highlighted hereinabove. Applicant, as mentioned earlier, reiterates previously made arguments that address the patentability of Applicant's pending claims over the various combination of references asserted in the prior Office Actions.

While Applicant does not acquiesce with any particular rejections to the claims presented in the final Office Action, it is believed that these rejections are overcome in view of the remarks made in Applicant's previous responses and those presented above made in response to the Advisory Action.

It is believed that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if there are any questions regarding the above new claims or if prosecution of this application may be assisted thereby.

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